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| FORM PTO-1390 (REV. 7-2005) | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER 8932-1323-999 |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | U.S. APPLICATION NO. (if known, see 37CFR 1.5) <div style="font-size: 2em; font-weight: bold;">10/594854</div> |
| INTERNATIONAL APPLICATION NO. PCT/IB2005/000826 | INTERNATIONAL FILING DATE March 30, 2005 | PRIORITY DATE CLAIMED April 1, 2004 |
| TITLE OF INVENTION EXTERNAL FIXATOR FOR OSTEOSYNTHESIS OR BONE GAP MANIPULATION | | |
| APPLICANT(S) FOR DO/EO/US Jens RICHTER, Andre PLASS, Achim HAUSSLER, Jurg GRUENFELDER, Gregor ZUEND, and Marko TURINA | | |
| Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| Items 11. to 20. below concern document(s) or information included: | | |
| <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input checked="" type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: FIGS. 1-4 as filed, WO 2005/094708 A1 (with Int'l Search Report PCT/ISA/210), Form PCT/ISA/220, Form PCT/ISA237 (Written Opinion of ISA). | | |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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| U.S. APPLICATION NO. (If known, see 10/594854) | | INTERNATIONAL APPLICATION NO. PCT/IB2005/000826 | | ATTORNEY'S DOCKET NUMBER 8932-1323-999 | |
| The following fees are submitted: <input checked="" type="checkbox"/> Basic national fee \$300.00 <input checked="" type="checkbox"/> Examination fee Was the Written Opinion prepared by the ISA/USPTO or did the International Preliminary Examination Report prepared by the USPTO indicate that all filed claims in this U.S. application satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)? <input type="checkbox"/> i) Yes (\$0.00) <input checked="" type="checkbox"/> ii) No (\$200.00) \$200.00 23. <input checked="" type="checkbox"/> Search fee Did the Written Opinion of the ISA/USPTO or the International preliminary examination report prepared by the USPTO indicate that all claims satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)? <input type="checkbox"/> i) Yes (\$0.00) ii) If no: <input type="checkbox"/> (a) A Search Fee has been paid on the international application to the USPTO as an International Search Authority. (\$100.00) <input checked="" type="checkbox"/> (b) An International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. (\$400.00) \$400.00 <input type="checkbox"/> (c) All other situations (\$500.00) TOTAL OF CALCULATIONS = | | | | | |
| | | | | \$ | \$900.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets 21 -100 | Extra Sheets 0 /50 | Number of each additional 50 or fraction thereof (round up to a whole number). | RATE x 250.00 | | \$0.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). | | | | \$ | \$0.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE X | | |
| Total Claims | 22 - 20 | 2 | x \$50.00 | | \$100.00 |
| Independent Claims | 3 - 3 | 0 | x \$200.00 | = | \$0.00 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + 360.00 | | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS= | | | | = | \$ 1000.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%. | | | | - \$ | \$0.00 |
| SUBTOTAL = | | | | \$ | \$1000.00 |
| Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | | \$0.00 |
| TOTAL NATIONAL FEE | | | | = | \$ 1000.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property | | | | \$ | \$0.00 |
| TOTAL FEES ENCLOSED | | | | = | \$ 1000.00 |
| | | | | Amount to be refunded: | |
| | | | | charged: | |
| a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> This is an estimate of the fees due. Please charge Deposit Account No. 50-3013 to cover the required fees. A copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3013. A copy of this sheet is enclosed. | | | | | |
| Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | |
| 24. <input checked="" type="checkbox"/> All correspondence for this application should be mailed to JONES DAY 51832. | | | | | |
| 25. <input type="checkbox"/> All telephone inquiries should be made to <u>THOMAS P. SULLY</u> REG. NO. <u>45,086</u> | | | | | |
| Brian M. Rothery | | <u>FOR BRIAN M. ROTHERY</u> | | 35,340 | September 29, 2006 |
| NAME | | SIGNATURE | | REG. NO. | DATE |